



CITY OF MORGAN HILL
COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

Dennis Kennedy, Mayor
Hedy L. Chang, Mayor Pro Tempore

Cynthia J. Cook, Council Member
Steve Tate, Council Member
Greg Sellers, Council Member

WEDNESDAY, AUGUST 4, 1999

JOINT AGENDA

**CITY COUNCIL
&
REDEVELOPMENT AGENCY**

SPECIAL & REGULAR MEETING

A Special Meeting is called for Wednesday, August 4, 1999 at 3:00 PM for the purpose of a Work Session on Updating City Council Goals and a Closed Session at 6:00 PM.

Dennis Kennedy, Mayor _____

WORK SESSION:

**UPDATE ON EXISTING CITY COUNCIL GOALS AND DISCUSSION
OF NEW GOALS**

ADJOURN

6:00 PM

CITY COUNCIL CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code Section 54956.9(a)
Title of Case: Morgan Hill Parkowners Association v. City of Morgan Hill
Case Number: United States District Court, Northern District C 99 20477 RMW.
Parties: Morgan Hill Parkowners Association
Subject of Litigation: Challenge to City of Morgan Hill Mobile Home Rent Ordinance regarding
Vacancy Control.
Attorney: Helene L. Leichter
Attendees: City Council; City Manager; City Attorney

CLOSED SESSION ANNOUNCEMENT

ADJOURN

7:00 PM

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

CERTIFICATES OF APPRECIATION

Safety Fair Volunteers

Live Oak Varsity Football

Peninsula Pop Warner Football League

South County Neighborhood Preparedness

Annie Morales

Debbie Simon

Mark Brazeal

Rod Krewson

INTRODUCTIONS

Justin Martin
Police Officer

D'Arcy Peret
Police Support Services Specialist II Trainee

PRESENTATION
Supervisor Don Gage
Measure B Check

CITY COUNCIL REPORT
Council Member Sellers

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT
Litigation Summary

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE
ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT
IT TO THE CITY CLERK.**
(See notice attached to the end of this agenda.)

City Council action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #X through #XX may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **ACCEPTANCE OF THE DRILLING OF DIANA WELL III PROJECT** 1
Recommended Action:
 1. **Accept** as complete the drilling of Diana Well III Project in the final amount of \$145,400.
 2. **Direct** the City Clerk to file a Notice of Completion with the County

Recorder's office.

2. **RESOLUTION APPROVING APPLICATION FOR GRANT FUNDING FROM STATE CDBG PROGRAM FOR THE OAKWOOD SEWER REPAIR PROJECT** 5
 Recommended Action: Adopt attached Resolution No. 5304 approving the application and contract for funding from the State CDBG Program for 75% funding (\$39,588) of the City's share of the Jackson Oaks No. 6 Sanitary Sewer Slide Repair.

3. **CITY ATTORNEY'S OFFICE OPPOSITION TO LAFCO'S PROPOSED REQUIREMENT OF AN INDEMNIFICATION AGREEMENT** 9
 Recommended Action: Direct the City Attorney's Office to send a letter expressing strong opposition to LAFCO's proposal for an indemnification agreement on CEQA matters.

4. **AMICUS REQUEST - KAJIMA/RAY WILSON V. LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY** 17
 Recommended Action: Authorize the City Attorney to join the City of Berkeley and the League of California Cities in support of the Los Angeles County Metropolitan Transportation Authority in the California Supreme Court.

5. **APPOINTMENTS TO THE SENIOR ADVISORY COMMITTEE** 37
 Recommended Action: Approve appointments by the Parks and Recreation Commission to the Senior Advisory Committee.

6. **AMENDMENT TO CABLE TELEVISION FRANCHISE AGREEMENT** 53
 Recommended Action: Adopt Resolution No. 5299 Authorizing the City Manager to Execute The First Amendment to the Franchise Agreement.

PUBLIC HEARINGS:

7. **ANNEXATION-93-02: NINA LANE - MANTEGANI** 63
 Recommended Action: Request staff presentation.
 Public Hearing opened.

Please limit your remarks to 3 minutes. Public Hearing closed.
 Council discussion.

Action- **Motion to adopt** Resolution No. 5300 approving
 annexation.

8. **ANNEXATION-94-04: DIANA - MARTINEZ** 81

Recommended Action: Request staff presentation.

Public Hearing opened.

Please limit your remarks to 3 minutes. Public Hearing closed.

Council discussion.

Action- **Motion to adopt** Resolution No. 5301 approving
 annexation.

9. **WEED ABATEMENT AND ASSESSMENT OF CHARGES** 109

Recommended Action: Request staff presentation.

Public Hearing opened.

Please limit your remarks to 3 minutes. Public Hearing closed.

Council discussion.

Action- **Accept** Report from the Santa Clara County Fire
 Marshal's Office on the 1999 Weed Abatement
 Program.

Action- **Adopt** Resolution No .5303 that confirms the report
 from the Santa Clara County Fire Marshal's Office and
 provides that the costs of the weed abatement program
 constitute a special assessment against the respective
 parcels of land.

OTHER BUSINESS:

10. **CURRENT CABLE TELEVISION ISSUES** 119

Recommended Action: **Provide** Direction to Staff on Cable Television
 Customer Service Standard Implementation and Development.

11. **REQUEST FOR EXCEPTION TO LOSS OF BUILDING
 ALLOTMENT FOR APPLICATION MP-98-03: MALAGUERRA -
 ANSUINI** 121

Recommended Action: **Adopt** Resolution 5302 approving a 90-day
 extension of time on the project FY 1998-99 building allotment.

12. **REQUEST FOR FURTHER DIRECTION ON PROPOSED
 MALAGUERRA PARK PROJECT** 129

Recommended Action: **Direct** staff to proceed with steps 1 - 7 as defined below:

1. **Develop** a draft agreement for the City use of Malaguerra Park which sets forth a time line for action; and
2. **Define** the scope of the park project to be developed and the cost to prepare a specific plan; and
3. **Define** the cost to prepare an updated environmental evaluation; and
4. **Estimate** the cost to develop the site for park purposes; and
5. **Define** the cost to maintain the site; and
6. **Receive** and **evaluate** a proposal from the Morgan Hill Youth Sports Alliance (MHYSA) for developing and maintaining the site; and
7. **Refer** the project when defined to the Parks & Recreation Commission for review, comments and recommendations.

13. **APPOINTMENTS TO SERVE ON A SELECTION PANEL FOR THE MASTER PLAN PROPOSALS OF PARKS, FACILITIES AND RECREATION** 133

Recommended Action: **Determine** if two council members would want to serve on the selection panel for the consultant to provide the Master Plan for Parks, Facilities and Recreation Programming.

14. **DISCUSSION REGARDING CITY SPONSORSHIP OF YEAR-2000 MILLENNIUM CELEBRATION EVENTS** 135

Recommended Action:

1. Take **no Action**; or
2. **Direct** staff to investigate various celebration activities, including costs associated with the celebration activities; or
3. **Direct** staff to contact the Chamber of Commerce and/or other community groups to determine their interest in cosponsoring/assistance with the Year-2000 Millennium celebration events; and/or
4. **Provide** staff with a suggested list of activities by August 11, 1999 and staff will report on the feasibility of the listed activities at the next City Council meeting.

15. **DISCUSS PROVISION OF CITY ATTORNEY SERVICES** 141
Recommended Action:

1. **Authorize** the Interim Human Resources Manager to begin recruitment process for a new full-time City Attorney; or
2. **Authorize** Interim City Attorney/City Manager to conduct and/or commission study of in-house versus contract city attorney services, from economic and organizational perspectives.

Council & Redevelopment Agency action

16. **APPROVAL OF SPECIAL & REGULAR JOINT MEETING**
MINUTES OF JULY 21, 1999 143

FUTURE AGENCY-INITIATED AGENDA ITEMS:

This is an Opportunity for Members of the Redevelopment Agency to Request Items for Future Agendas.
Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the Office of the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if speaker cards are submitted. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.